

REMARKS/ARGUMENTS

Description of amendments

Claims 1, 3, 8-10 and 13 are now pending and under examination. Applicant has added claim 13. No new matter has been added.

Claim 13 is supported by the application as originally filed (see, for example, original claim 5).

Allowed and allowable claims

Applicant appreciates that the Examiner has allowed claims 1, 8 and 9.

Rejection under 35 U.S.C. §102

Claim 10 was rejected under 35 U.S.C. §102(b) as being anticipated by *Nurse* (U.S. Patent 5,593,584). For the following reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection.

The filter unit of *Nurse* has a stack of flat filter discs (22) (column 3, lines 13-17). Between two adjacent filter discs (22), there is an elongated sinuous over-flow dam (26) that divides each disc (22) into two portions (27, 28) (column 3, lines 23-26). The portion (27) on one side of the dam 26 forms an outlet, while the portion (28) on the opposite side of the dam (26) forms an inlet for each of the discs (22) (column 3, lines 26-28).

Applicant respectfully submits that *Nurse* does not teach or suggest at least two limitations of claim 10. The first limitation is that the filter medium is a pleated filter sheet. In *Nurse*, on the other hand, the filter media are filter discs (22), and there is no disclosure that the filter media have any other configuration. The Examiner contended that the elongated sinuous over-flow dam (26) is a filter medium. Applicant, however, could not find such disclosure in *Nurse* after a careful review of the patent. In fact, the Examiner's contention is contrary to the teaching of *Nurse* that the elongated sinuous over-flow **dam** (26) is used to separate the inlet from the outlet. A dam is used to prevent fluid from flowing from one side of the dam to the other side and, therefore, is inherently impermeable. In *Nurse*, the elongated sinuous over-flow dam (26) is used to separate the inlet from the outlet. Therefore,

the dam (26) must be impermeable. If the Examiner maintains this ground of rejection, Applicant respectfully requests that the Examiner point out where in *Nurse* is the disclosure that the elongated sinuous over-flow dam (26) is made from a filter medium, so that Applicant can prepare a suitable response.

The second limitation of claim 10, which is not taught by *Nurse*, is a pocket of the pleated filter medium that is formed by an enlarged spacing between two adjacent pleats. The Examiner contended that *Nurse* teaches a pocket (35) formed by an enlarged spacing between two adjacent pleats. Aside from the fact that the dam (26) is not a pleated filter, the pockets (35) of *Nurse* that accommodate a nut (43) and a rod (30) do not appear to be larger than the other pockets, as shown in Fig. 2 of *Nurse*, which is reproduced below. If the Examiner maintains this ground of rejection, Applicant respectfully requests an explanation why the pockets (35) are considered to be larger than the other pockets.

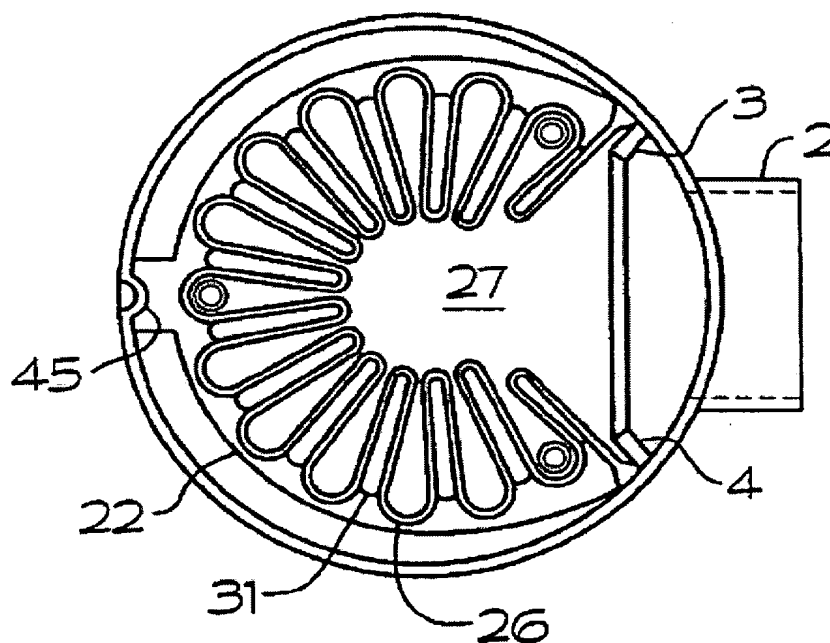


Figure 2, *Nurse* (US 5,593,584)

Additionally, according to the MPEP, arguments based on measurement of drawing features are of little value if the reference does not disclose that the drawings are to scale and is silent as to dimensions (see MPEP §2125). The Examiner's contention that the pockets (35) are larger than the others is based on the measurement of the sizes of the pockets and,

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according to the MPEP, is of little value because *Nurse* does not disclose that Fig. 2 is to scale and is silent as to the dimensions.

In conclusion, claim 10 is not anticipated by *Nurse* because *Nurse* does not teach or suggest at least two limitations of claim 10.

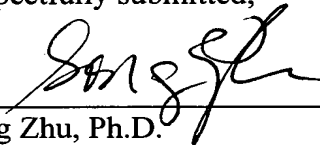
New claim 13 is also patentable over *Nurse* because it depends from claim 10. In addition, *Nurse* does not teach or suggest the limitation of claim 13, because *Nurse* does not disclose a lateral recess that extends axially between the end plates.

In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (CAM #: 037141.50052US).

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Respectfully submitted,



Song Zhu, Ph.D.
Registration No. 44,420
J. D. Evans
Registration No. 26,269

CROWELL & MORING, LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
JDE:SZ:tlm (037141.50052US)